IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 2960 of 1996

Between:

D.Prasad Rao, S/O D.Jaggarao,
R/O Maddila Street, Parvathipuram,
Vizianagaram District.

..... PETITIONER

AND

1 The Divisional Manager, APSRTC,
Vizianagaram.
2 The Regional Manager, A.P.S.R.T.C,
Raja Raja Narendra Region, Vizianagaram.
3 The Managing Director, APSRTC,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondents in not taking the petitioner into service who is a displaced employee of Bus No. ADB 5919, as arbitrary, contrary to Law, violative of principles of natural justice and infringing articles 14, 16 and 19 (i) (g) of the Constitution of India.

Counsel for the Petitioner: BH.BHARATHI DEVI

Counsel for the Respondents: MR.Y.VIVEKANANDA SWAMY, STANDING COUNSEL FOR APSRTC

The Court made the following:

O R D E R:

Heard both sides.

The petitioner, who is claiming to be the cleaner and displaced employee of the bus bearing No.ADB 5919, filed this writ petition, *inter alia,* seeking a Mandamus declaring the action of the respondents in not considering the case of the petitioner for taking him into service as displaced employee as illegal and arbitrary.

The case of the petitioner, in brief, is that he worked as a cleaner in bus bearing No.ADB 5919 from 01-05-1982 to 11-11-1987 i.e., till the motor transportation in Vizianagaram District was taken away by the A.P.S.R.T.C. Though he has educational and technical qualifications, he could not get any Government employment. The proprietor of the bus service is Mr. T. Narayana Rao. As he worked for some period as a cleaner, the owner of the bus issued a letter of appointment as per Rule 35-A of the A.P. Motor Vehicle Rules and a service certificate. Therefore, as per the policy undertaken by the respondent-Corporation for providing employment to the displaced workers of the private bus services due to nationalisation of transportation, the petitioner is also entitled for similar such relief and in spite of his best efforts, the same is not being provided to him. Hence, the writ petition.

In the counter-affidavit filed by the Chief Law Officer of the

respondent-Corporation, it is stated that the petitioner has not come out with true and correct facts. According to the respondents, the owner of the route bus bearing No.ADB 5919 is one C.V. Mohiddin Kaja, but not Mr. T. Narayana Rao as alleged and further it was also stated that the said bus plied in between Parvathipuram and Ravada, but not Ravada to Pachipenta as alleged. Further the said bus was stopped with effect from 31-12-1986. In pursuance of the said policy, interview of the candidates was conducted on 04-04-1989 but not on 03-04-1989 as alleged in the affidavit. One Mr. P. Sarveswararao appeared in the said interview claiming himself to be the cleaner of the said bus and he was selected. Hence, there is no possibility to take the petitioner or any other person for the said post. Therefore, the petitioner has no right to claim any relief as sought for.

Having heard the learned counsel on either side and on perusal of the material on record, it is clear that the petitioner is claiming that he, being worked as a cleaner and displaced employee of the bus bearing No.ADB 5919, is entitled for appointment in pursuance of the policy of the respondent-Corporation due to nationalisation and stoppage of private buses and there is no serious dispute on behalf of the petitioner with regard to the fact that one Mr. P. Sarveswararao has already been appointed having claimed to be the cleaner of the said bus. Admittedly, the petitioner did not attend the interview held on 04-04-1989. Further, with regard to the particulars of ownership and bus route, the petitioner has not given correct facts in the affidavit. There is absolutely no explanation for such incorrect averments. Nothing also has been alleged in regard to the said P. Sarveswararao who claimed to be the cleaner and who subsequently got selected. Having regard to the same, the petitioner has failed to make out even a *prima facie* case. In the absence of any material or specific proof to show that the petitioner is the displaced employee of the said bus, he cannot seek indulgence of this Court and I do not find any merits in the writ petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

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(**B. PRAKASH RAO, J**)

Date: 24-11-2004

ghn

To

1 The Divisional Manager, APSRTC,
Vizianagaram.

2 The Regional Manager, A.P.S.R.T.C,
Raja Raja Narendra Region, Vizianagaram.

3 The Managing Director, APSRTC,
Hyderabad.

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